



Metropolitan Transportation Authority

State of New York

November 30, 2020

Via ECF

The Hon. Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square, Room 2103
New York, New York 10007

Re: Price v. City of New York, et al., No. 15-CV-5871
Request to Issue Subpoena

Dear Judge Failla:

I write on behalf of Defendant Metropolitan Transportation Authority Police Officers Alison Schmitt and Stephen Mears (“MTA Defendants”) in the above-referenced matter to request that either Your Honor, Magistrate Judge Freeman, or the Clerk of Court endorse the enclosed subpoena for documents relevant to the MTA Defendants’ defense of this litigation or issue an equivalent order.

Plaintiff in this case alleges that her claims against MTA Defendants are tied to her claims against the City Defendants based on MTA Defendants’ having allegedly looked up information about her in an electronic database that is shared by the City and MTA’s police forces at the time of her November 2016 detainment by MTA Defendants. It has come to my attention that MTA’s police do have access to a shared database called “eJusticeNY,” which is administered by the New York State Division of Criminal Justice Services (“DCJS”). DCJS takes the position that, were any entity with access to the database to reveal an individual’s records *even to that entity’s own counsel*, that would be a violation of that entity’s agreement with DCJS to use the database. After discovering this information, counsel for the MTA attempted to obtain access to Plaintiff’s eJusticeNY records by negotiation with DCJS and other alternatives, which has so far been unsuccessful.

In light of this and in light of Your Honor’s offer at the November 5, 2020 status conference to assist in obtaining the records, MTA Defendants request that the Court endorse the enclosed subpoena for documents relevant to the MTA Defendants’ defense of this litigation or issue an equivalent order.

Respectfully submitted,

Jason Douglas Barnes
Attorney for MTA Defendants

CC: Attorneys for Plaintiff and Co-Defendants (via ECF)

The agencies of the MTA

MTA New York City Transit
MTA Long Island Rail Road

MTA Metro-North Railroad
MTA Bridges and Tunnels

MTA Construction & Development
MTA Bus Company